

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
LETTERS PATENT APPEAL No 727 of 1997

in

SPECIAL CIVIL APPLICATION No 4957 of 1997

For Approval and Signature:

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AK MAKWANA

Versus

STATE OF GUJARAT  
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Appearance:

MR GAURANG H BHATT for Petitioner  
SERVED BY DS for Respondent No. 1,15,16,17  
MR DA BAMBHANIA for Respondent No. 2  
MRS KETTY A MEHTA for Respondent No. 14  
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LETTERS PATENT APPEAL No 728 of 1997

in

SPECIAL CIVIL APPLICATION No 4958 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER and  
MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
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MF PATHAN

Versus

STATE OF GUJARAT

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Appearance:

MR GAURANG H BHATT for Petitioner

SERVED BY DS for Respondent No. 1,15,16,17,18

MRS KETTY A MEHTA for Respondent No. 12  
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CORAM : MR.JUSTICE C.K.THAKKER and

MR.JUSTICE S.D.PANDIT

Date of decision: 28/08/97

ORAL JUDGEMENT (Coram: C.K.Thakker J.)

Admitted. Mr.Bambhania, learned Assistant Government Pleader appears and waives service of notice of admission. In the facts and circumstances of the case, both the matters have been taken up for final hearing to day.

These appeals are filed against interim order passed by the learned Single Judge refusing interim relief. The appellants were serving as Deputy Mamlatdar. By the impugned order dt. July 8, 1997 passed by the Collector, Banaskantha at Palanpur, respondent no.2 herein, they were reverted from the post of the Deputy Mamlatdar. By filing Special Civil Application Nos.4957 of 1997 and 4958 of 1997, the appellants have challenged their reversion. When the matters were placed for admission before the learned Single Judge, the learned Single Judge was pleased to issue notice but did not grant interim relief. On July 11, 1997, the following order was passed by the learned Single Judge.

"Notice to the respondents returnable on 1.8.1997. In the meantime petitioners shall have a liberty to move this Court for vacation of interim orders made in favour of the Deputy Mamlatdars juniors to the petitioners. Direct service is permitted."

Against the above order the present appeals are instituted . When the Letters Patent Appeals were placed for admission, we issued notice and also granted status quo in Civil Applications. To day we have heard the parties.

Mr.G.H.Bhatt, learned counsel for the appellants submitted that in the order impugned in the petitions, it is clearly and unequivocally stated that some persons



the learned Single Judge refusing to grant interim relief is set aside. The matter will now go back to the learned Single Judge to decide the same in accordance with law. We may clarify that we have made above observations only for the purpose of disposing of this appeal which have been filed at the interlocutory stage and as and when the petitions would be taken up for hearing, the learned Single Judge will pass appropriate order in accordance with law.

Mr.Bambhania, learned Assistant Government Pleader stated that the Government has no adequate posts and in view of the interim relief granted in favour of a number of persons, prejudice is caused to the Government. He, therefore, submitted that all the matters may be ordered to be heard expeditiously. The learned Assistant Government is at liberty to move the learned Single Judge so as to enable the court to hear all the matters as expeditiously as possible.

No order as to costs.

Dt. 28.8.1997. (C.K.THAKKER J)

(S.D.PANDIT J.)

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